

**ATTACHMENT A:****Affidavit in Support of Criminal Complaint and Arrest Warrant for****Joshua Herman Phillips**

I, Special Agent Ryan King, being first duly sworn, hereby depose and state as follows:

**Introduction and Agent Background**

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”), and a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing federal criminal laws and duly authorized by the Attorney General. I hold a master’s degree in business from Louisiana State University Shreveport and a bachelor’s degree in criminal justice from the University of North Florida. I am a graduate of the Federal Law Enforcement Training Center (“FLETC”) and the ATF National Academy in Glynco, Georgia.
2. I have participated in numerous investigations related to illegal drug trafficking, the criminal possession and use of firearms, and among other things, have conducted or participated in surveillance, the execution of search warrants, debriefings of informants and reviews of taped conversations.
3. This Affidavit is presented in support of a Criminal Complaint charging Joshua Herman Phillips with violations of Title 18 United States Code Section 922(a)(1)(A). The statements contained in this Affidavit are based on information I have learned through my own investigation, experience, and background as a Special Agent and through that of other members of law enforcement. Because this Affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to establish that JOSHUA HERMAN PHILLIPS (“**PHILLIPS**”) was in violation of and Title 18, United States Code, Section 922(a)(1)(A) – Dealing Firearms without a License – on or about July 9, 2024 through August 2, 2024. **PHILLIPS’** violations occurred in Catawba County in the Western Judicial District of North Carolina.

4. I, in my role as a special agent with ATF, am currently investigating the following individual: Joshua Herman **PHILLIPS** (W/M, DOB: 04/20/1985, SSN # XXX-XX-0811) whose last known address is 4692 Rock Barn Rd NE, Claremont, North Carolina for a violation of Title 18 United States Code 922(a)(1)(A) – Dealing Firearms without a License, among other potential crimes.
5. The information below is either personally known to your Affiant or, as will be noted, has been provided by other law enforcement officers, named witnesses or Confidential Informants (“CIs”).

#### **FACTS IN SUPPORT OF PROBABLE CAUSE**

6. On or about February 2, 2024, ATF Industry Operations Investigator (IOI) Melendez provided information about an individual (**PHILLIPS**) who was suspected of dealing in firearms without a license. During a recent inspection of a Federal Firearms Licensee (FFL), IOI Melendez noticed that **PHILLIPS** had purchased a large number of firearms from the same firearms dealer (Snatch Ventures), and when the Responsible Party for Snatch Ventures (S.N.) was asked to produce the paperwork for these purchases, S.N. informed IOI Melendez that his wife had mistakenly thrown away all the paperwork. S.N. did still have his Acquisitions and Dispositions book, which IOI Melendez photographed.
7. The A&D book photos that IOI Melendez provided included an American Tactical Imports, Alpha-15, 5.56 caliber, serial number AV04620, AR15 style rifle purchased by **PHILLIPS** on May 11, 2023. On November 2, 2023, the Statesville Police Department recovered this rifle, along with four other firearms, from previously convicted felon Brandon Torrence.
8. A check of ATF E-Trace records shows that **PHILLIPS** has made approximately 29 multiple sale purchases (a purchase of more than one firearm within a five-day period) from Snatch Ventures since 2022, totaling around 77 firearms combined from the purchases.
9. On or about May 22, 2024, investigators identified two Facebook social media profiles belonging to **PHILLIPS**: “joshua.phillips.39904181” and “jose.phillipo.7”. Both of these accounts had pictures of **PHILLIPS** publicly visible and associated with the accounts. While reviewing the publicly visible information on these profiles, investigators observed numerous posts related to **PHILLIPS** attempting to sell firearms. A post made on May

30, 2024 showed photos of seven firearms with the heading, “Not for sale, especially revolver, it’s disappeared lol.” Of the seven guns posted, investigators identified five from the serial numbers in the photos as part of a 7-gun multiple sale purchased by **PHILLIPS** from Snatch Ventures just a few days earlier on May 18, 2024.

10. Around June 22, 2024, an ATF Undercover Agent (UC) contacted **PHILLIPS** through social media. On July 9, 2024, **PHILLIPS** agreed to meet the UC at **PHILLIPS’** business, the Catawba Creamery ice cream shop located at 3279 E. Main Street, Claremont, North Carolina. The UC went to this location where **PHILLIPS** sold the UC a firearm and ammunition. During this meeting, **PHILLIPS** told the UC that he sells a bunch of firearms in the Hickory area and is looking to try and sell more. The UC presented himself as an individual interested in purchasing firearms to transport up north and sell illegally.
11. After the meeting, the conversation between the UC and **PHILLIPS** continued, and on July 18, 2024, **PHILLIPS** agreed to sell the UC more firearms at his residence at 4692 Rock Barn Road NE, Claremont, North Carolina (**TARGET RESIDENCE**). During this conversation, **PHILLIPS** also provided the UC with his phone number, (828) 962-7727, which the UC later used to contact **PHILLIPS** about future firearms transactions. After purchasing the firearms at the **TARGET RESIDENCE**, **PHILLIPS** and the UC discussed future deals, **PHILLIPS** showed the UC a machine gun he had in his possession, and **PHILLIPS** agreed to sell the machine gun to the UC next time they met. **PHILLIPS** also told the UC that after they finished up, he was leaving to go sell another firearm to someone.
12. A record check of the Federal Firearms Licensing System was done, which confirmed that **PHILLIPS** does not have a Federal Firearms License to sell firearms.
13. On August 2, 2024, another deal was arranged between the UC and **PHILLIPS**. The UC met **PHILLIPS** at his residence the **TARGET RESIDENCE** where he sold the UC 12 firearms, one of which was the machine gun that **PHILLIPS** mentioned during the

previous deal. In addition, three of the other firearms purchased by the UC were brand new, still sealed in the box, AR style rifles.

14. **PHILLIPS** then showed the UC some firearms he had at the **TARGET RESIDENCE** that were ready for the next deal and also mentioned his intention to purchase more firearms for the UC to transport up north.
15. Throughout this investigation, **PHILLIPS** has repeatedly admitted to knowing that the UC is taking these firearms up north to sell illegally, and has expressed that the only firearms that he cares about where they go are the few that are purchased under his name. Regarding the rest, **PHILLIPS** has stated, “if someone gets killed with these, it’s not our problem.” **PHILLIPS** has also informed the UC that he is selling firearms to other individuals as well, and, as recently as August 11, 2024, posted nine different firearms on one of his social media pages.
16. **PHILLIPS** has also told the UC on multiple occasions that he intermingles funds between his ice cream shop and gun sales, to include using the credit card reader for the ice cream shop to sell firearms. During the last firearms deal, **PHILLIPS** mentioned to the UC that he was having to “float” money from the ice cream shop to purchase the firearms, and then told the UC he was going to use the money he was given by the UC to pay his payroll at the business.

### **CONCLUSION**

17. Based on the foregoing information and training and experience, your Affiant submits that there is probable cause for a criminal complaint against, and arrest warrant for **Joshua Herman PHILLIPS** for the charge of Dealing Firearms without a License in violation of Title 18, United States Code, Section 922(a)(1)(A). I request that the Court issue a Criminal Complaint and Arrest Warrant for the same.

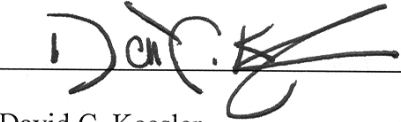
Respectfully Submitted,

/s/ Ryan King

Ryan King  
Special Agent,  
Bureau of Alcohol, Tobacco, Firearms  
And Explosives

*This Affidavit was reviewed by SAUSA Will Wiseman.*

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 20th of August, 2024, at 4:00 pm.

  
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David C. Keesler  
United States Magistrate Judge

